

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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VAL DAY, et al.,

Plaintiff(s),

v.

FORMAN AUTOMOTIVE GROUP,

Defendant(s).

Case No. 2:12-CV-577 JCM (CWH)

ORDER

Presently before the court is defendant Forman Automotive Group's (hereinafter "defendant") emergency motion to continue trial date. (Doc. # 106). Plaintiff Val Day (hereinafter "plaintiff") filed a response. (Doc. # 108).

Defendant requests an order continuing the current trial date of June 15, 2015, to a date not sooner than September 7, 2015. Defendant's counsel states that on May 11, 2015, he became aware of a conflict with the current trial date due to defense witness Donald Forman's ("Mr. Forman") pre-planned, non-refundable vacation plans. In its motion, defendant lists the vacation plans of various defense witnesses over the next three months. (Doc. # 106).

Plaintiff responds that such an extensive delay would be prejudicial. Plaintiff also notes that each continuance burdens his relationship with his current employer, as he must repeatedly ask for time off from work. Plaintiff also asks the court to take judicial notice of a number of docket entries in this case, as well as Mr. Forman's employment status with Forman Automotive. (Doc. # 108).

As an initial matter, plaintiff's requests for judicial notice are unnecessary. The court will consider all relevant case filings in ruling on the motion to continue, and need not take judicial

1 notice of these documents to do so. Further, the court finds that Mr. Forman's employment status
2 is irrelevant to the instant motion.

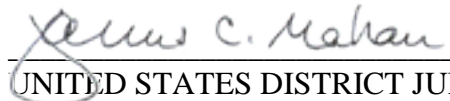
3 Having considered the parties' filings, the court will grant the motion to the extent that it
4 seeks a continuance. The court has criminal matters set for the week of June 15, 2015, which take
5 precedence over this trial. However, a continuance to a date after September 7, 2015, is not
6 warranted. The court will continue the trial to a firm date of July 13, 2015.

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the jury trial currently
9 scheduled for June 15, 2015, at 9:00 am be vacated and continued to July 13, 2015, at 9:00 am.

10 IT IS FURTHER ORDERED that the parties shall appear for calendar call on July 8, 2015,
11 at 1:30 pm.

12 DATED May 26, 2015.

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15 UNITED STATES DISTRICT JUDGE
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